IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

CRP.No. 1800 of 1999(F)

AGAINST THE ORDER DATED 25/01/1999 IN EA 855/97 IN EP 165/86 IN LAR.73/1972 of I ADDL.SUB COURT,ERNAKULAM

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PETITIONERS:PETITIONERS:DECREE HOLDERSREVN. PETITIONER:

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1. MUHAMMED, S/O. KADAR, VALAMKOTTIL HOUSE, KAKKANAD.

2. HASSAN, S/O. KADAR, VALAMKOTTIL HOUSE, KAKKANAD.

BY ADV. SRI.K.V.JAYACHANDRAN

RESPONDENT: RESPONDENT:JUDGMENT DEBTOR

KERALA STATE
REPRESENTED BY DISTRICT COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. V.T.K. MOHANAN

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

C.R.P.NO.1800 OF 1999

DATED THIS THE 16th DAY OF JANUARY, 2007

ORDER

Petitioners are decree holders auction purchasers. They filed E.A.855/97 before Sub Court, Ernakulam for delivery of the property. The sale was confirmed on 31.1.96. Petition was filed only on 28.7.97. The period of limitation is one year and it will start to run from the date on which the sale was confirmed. The period of limitation, therefore, started to run from 31.1.96. Petition was filed beyond the period of limitation. Hence learned Sub Judge rightly dismissed the application. I do not find any illegality or irregularity in that order warranting interference in exercise of the revisional jurisdiction of this Court.

Learned Government pleader submitted that Government deposited the entire amount due to the decree holders in L.A.R.73/1972, for realisation of which, the property was sold in E.P.165.1986. Learned Counsel appearing for petitioners submitted that the cost of stamp papers and subsequent interest were not deposited. If that be so, the petitioners can seek an appropriate remedy available under the law.

M.SASIDHARAN NAMBIAR,JUDGE

Acd

M.SASIDHARAN NAMBIAR,J.

C.R.P.NO.1800 OF 1999

ORDER

16.1.2007